

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America

v.

JOHN KELSEY GAMMELL

Defendant

Case No. 1:17-mj-01101-CBS

Charging District's Case No. 17-mj-00368-FLN

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* District of Minnesota

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

6/15/2017John Gammell*Defendant's signature*Robert W. Pepin*Signature of defendant's attorney*Robert W. Pepin*Printed name of defendant's attorney*

AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America

v.

JOHN KELSEY GAMMELL*Defendant*Case No. 1:17-mj-01101-CBS

Charging District's

17-mj-00368-FLN

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Minnesota,
 _____ Division. The defendant may need an interpreter for this language:
 _____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date:

6/5/17

*Judge's signature*Craig B. Shaffer, U.S. Magistrate Judge*Printed name and title*

TERMED

**U.S. District Court
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:17-mj-01101-CBS-1**

Case title: USA v. Gammell
Other court case number: 17-mj-00368-FLN District of
Minnesota

Date Filed: 05/31/2017
Date Terminated: 06/05/2017

Assigned to: Magistrate Judge Craig B.
Shaffer

Defendant (1)

John Kelsey Gammell
TERMINATED: 06/05/2017

represented by **Robert William Pepin**
Office of the Federal Public Defender-
Denver
633 Seventeenth Street
Suite 1000
Denver, CO 80202
303-294-7002
Fax: 303-294-1192
Email: Robert_Pepin@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

18:1030A.F- Intentional damage to a
protected computer, in violation of
18:1030(a)(5)(A)

Plaintiff

USA

represented by **Thomas Mark O'Rourke**
U.S. Attorney's Office-Denver
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Agency Attorney

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ATTORNEY TO BE NOTICED
Designation: Federal Agency Attorney

Date Filed	#	Docket Text
05/31/2017	<u>1</u>	RULE 5 AFFIDAVIT as to John Kelsey Gammell from the District of District of Minnesota. as to John Kelsey Gammell (1). (jgonz,) (Additional attachment (s) added on 5/31/2017: # <u>1</u> Warrant) (jgonz,). (Entered: 05/31/2017)
05/31/2017	2	Arrest of John Kelsey Gammell. Initial Appearance - Rule 5 set for 5/31/2017 02:00 PM in Courtroom A 402 before Magistrate Judge Craig B. Shaffer. (Text Only entry)(jgonz,) (Entered: 05/31/2017)
05/31/2017	3	COURTROOM MINUTES for proceedings held before Magistrate Judge Craig B. Shaffer: Initial Appearance in Rule 5(c)(3) Proceedings as to John Kelsey Gammell held on 5/31/2017. Defendant present in custody. Defendant advised. Court appoints counsel. Identity, Preliminary, and Detention Hearing set for 6/5/2017 10:00 AM in Courtroom A 402 before Magistrate Judge Craig B. Shaffer. Defendant remanded. (Total time: 10 minutes, Hearing time: 2:12-3:08 p.m.) APPEARANCES: Judy Smith on behalf of the Government, Matthew Golla on behalf of the defendant, Angela Ledesma on behalf of pretrial. FTR: Courtroom A-402. (amont,) Text Only Entry (Entered: 05/31/2017)

05/31/2017	<u>4</u>	ORDER APPOINTING COUNSEL as to John Kelsey Gammell by Magistrate Judge Craig B. Shaffer on 5/31/17. Text Only Entry (amont,) (Entered: 05/31/2017)
05/31/2017	<u>5</u>	CJA 23 Financial Affidavit by John Kelsey Gammell. (mdave,) (Entered: 05/31/2017)
05/31/2017	<u>6</u>	WAIVER of Rule 5 & 5.1 Hearings by John Kelsey Gammell (mdave,) (Entered: 05/31/2017)
05/31/2017	<u>8</u>	Arrest Warrant Returned Executed on 5/31/2017 in case as to John Kelsey Gammell. (jgonz,) (Entered: 06/01/2017)
06/01/2017	<u>7</u>	NOTICE OF ATTORNEY APPEARANCE: Robert William Pepin appearing for John Kelsey Gammell Attorney Robert William Pepin added to party John Kelsey Gammell(pty:dft) (Pepin, Robert) (Entered: 06/01/2017)
06/02/2017	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE Julia K. Martinez appearing for USA. Attorney Julia K. Martinez added to party USA(pty:pla) (Martinez, Julia) (Entered: 06/02/2017)
06/02/2017	<u>10</u>	MOTION to Continue <i>Hearing</i> by USA as to John Kelsey Gammell. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Martinez, Julia) (Entered: 06/02/2017)
06/05/2017	<u>11</u>	ORDER granting <u>10</u> Motion to Continue as to John Kelsey Gammell (1). Identity, Preliminary, and Detention Hearings are RESET for 6/5/2017 02:00 PM in Courtroom A 402 before Magistrate Judge Craig B. Shaffer. Text Only Entry by Magistrate Judge Craig B. Shaffer on 6/5/17. (amont,) (Entered: 06/05/2017)
06/05/2017	<u>12</u>	COURTROOM MINUTES for proceedings held before Magistrate Judge Craig B. Shaffer: Preliminary, Identity, and Detention Hearing as to John Kelsey Gammell held on 6/5/2017. Defendant present in custody. The Defendant has been indicted in the charging district, making the Preliminary Hearing moot. Defendant advised of indictment. Defendant waives Identity Hearing. Waiver accepted. Argument regarding detention. Defendant ORDERED detained. Defendant remanded to be sent back to the District of Minnesota. (Total time: 28 minutes, Hearing time: 2:20-2:48 p.m.) APPEARANCES: Julia Martinez on behalf of the Government, Robert Pepin on behalf of the defendant, Michelle Sinaka on behalf of pretrial. FTR: Courtroom A-402. (amont,) Text Only Entry (Entered: 06/05/2017)
06/05/2017	<u>13</u>	WAIVER of Rule 5 & 5.1 Hearings by John Kelsey Gammell (amont,) (Entered: 06/05/2017)
06/05/2017	<u>14</u>	COMMITMENT TO ANOTHER DISTRICT as to John Kelsey Gammell. Defendant committed to District of Minnesota. So ORDERED by Magistrate Judge Craig B. Shaffer on 6/5/17. (amont,) (Entered: 06/05/2017)
06/05/2017	<u>15</u>	

MAGISTRATE CASE TERMINATED as to John Kelsey Gammell by
Magistrate Judge Craig B. Shaffer on 6/5/17. Text Only Entry (amont,)
(Entered: 06/05/2017)

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